

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FURMAN GILMORE,

Plaintiff,

-v-

9:16-CV-1300
(DNH/TWD)

WILLIAM FITZMAURICE, GREGORY
OVERHOLT, and DANIEL MITCHELL,

Defendants.

APPEARANCES:

OF COUNSEL:

FURMAN GILMORE
Plaintiff, pro se
16-A-4869
Bare Hill Correctional Facility
Caller Box 20
Malone, NY 12953

BARBARA D. UNDERWOOD
Attorney General of the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

BRIAN W. MATULA, ESQ.
Assistant Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Furman Gilmore brought this civil rights action pursuant to 42 U.S.C. § 1983. On May 31, 2018, the Honorable Thérèse Wiley Dancks, United States Magistrate

Judge, advised by Report-Recommendation that defendants' motion for summary judgment be denied. No objections to the Report-Recommendation were filed.

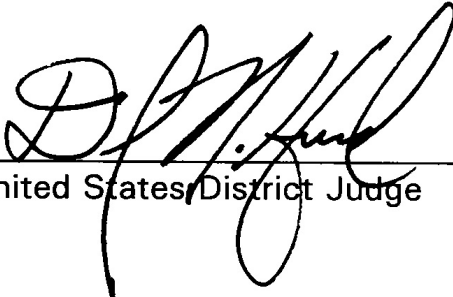
Based upon a careful review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is DENIED;
2. Any request for pro bono trial counsel shall be filed within thirty (30) days of the date of this Decision and Order; and
3. Trial is scheduled for February 5, 2019 in Utica, New York.

IT IS SO ORDERED.



United States District Judge

Dated: August 30, 2018
Utica, New York.